

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

VEALE E. GENTNER

Debtors

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BK. No. 18-12165 MDC

Chapter No. 13

**THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., AS SUCCESSOR-IN-
INTEREST TO ALL PERMITTED
SUCCESSORS AND ASSIGNS OF JP MORGAN
CHASE BANK, N.A., AS TRUSTEE FOR
GMACM HOME EQUITY LOAN TRUST,
SERIES 2007-HE2**

11 U.S.C. §362 AND §1301

Movant

v.

VEALE E. GENTNER

**ELIZABETH T. GENTNERNON (NON-FILING
CO-DEBTOR)**

Respondents

**MOTION OF THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS
SUCCESSOR-IN-INTEREST TO ALL PERMITTED SUCCESSORS AND ASSIGNS OF JP
MORGAN CHASE BANK, N.A., AS TRUSTEE FOR GMACM HOME EQUITY LOAN
TRUST, SERIES 2007-HE2 FOR RELIEF FROM AUTOMATIC STAY UNDER §362 AND
CO-DEBOTR STAY UNDER §1301 PURSUANT TO BANKRUPTCY PROCEDURE RULE
4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and Co-Debtor Stay and leave to foreclose on its mortgage on real property owned by Debtors VEALE E. GENTNER and NON-FILING CO-DEBTOR ELIZABETH T. GENTNER.

1. Movant is **THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTEREST TO ALL PERMITTED SUCCESSORS AND ASSIGNS OF JP MORGAN CHASE BANK, N.A., AS TRUSTEE FOR GMACM HOME EQUITY LOAN TRUST, SERIES 2007-HE2.**

2. Debtors, VEALE E. GENTNER and NON-FILING CO-DEBTOR ELIZABETH T. GENTNER are the owners of the premises located at **676 JEFFERSON ROAD, BRYN MAWR, PA 19010**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises.

4. Debtor's failure to tender monthly payments in a manner consistent with the

terms of the Mortgage and Note result in a lack of adequate protection.

5. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.

6. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.

7. As of January 16, 2020, Debtor has failed to tender post-petition mortgage payments for the months of October 2019 through January 2020. The monthly payment amount for the months of October 2019 through January 2020 is \$642.17, less funds in suspense in the amount of \$60.66 for a total amount due of \$2,508.02. The next payment is due on or before February 1, 2020 in the amount of \$642.17. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

8. Movant, **THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTEREST TO ALL PERMITTED SUCCESSORS AND ASSIGNS OF JP MORGAN CHASE BANK, N.A., AS TRUSTEE FOR GMACM HOME EQUITY LOAN TRUST, SERIES 2007-HE2**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

9. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

10. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

11. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 and Co-Debtor Stay with respect to **676 JEFFERSON ROAD, BRYN MAWR, PA 19010** (as more fully set forth in the legal

description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. That relief from any Co-Debtor Stay (if applicable) is hereby granted; and

c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

d. waiving Federal Rule of Bankruptcy Procedure 3002.1; and

e. Granting any other relief that this Court deems equitable and just.

/s/ Thomas Song, Esquire

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